

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
S/S Butler Road, 340 ft. E of * ZONING COMMISSIONER
Railroad Avenue
4817 Butler Road * OF BALTIMORE COUNTY
4th Election District
3rd Councilmanic District * Case No. 99-51-SPHA
Legal Owner: Cherry Croft, Inc.
Contract Purchaser: Jay C. Toth *
D.D.S., Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 4817 Butler Road in Glyndon. The Petitions were filed by Cherry Croft, Inc., property owner and Jay C. Toth, DDS, Contract Purchaser. Special hearing relief is requested to approve a waiver, pursuant to Sections 26-171 and 26-172 of the Baltimore County Code of Sections 26-203(c)(8) and 26-278.

Variance relief is requested from Sections 229.6 and 409.4.A of the Baltimore County Zoning Regulations (BCZR) to permit setbacks (for a parking lot and drive aisle) of as close as 0 ft. from a residentially zoned property 5 ft. from a non-residentially zoned property, in lieu of the required 20 ft. and 10 ft., respectively; and to permit a 2 way drive aisle of 11 ft. in width, in lieu of the required 20 ft.

The subject property and requested relief are more particularly shown on the plat to accompany the Petitions for Variance and Special Hearing received as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Jay C. Toth, D.D.S., Contract Purchaser. There were no Protestants or other interested persons present.

The subject property is a rectangularly shaped parcel, approximately .484 acres in area, zoned C.B. (community-business). The property has narrow frontage on Butler Road (Md. Route 126) in the historic community

ORDERED FOR FILING
Date 10/30/98
By [Signature]

known as Glyndon. The lot is approximately 65 ft. wide and approximately 310 ft. in depth.

Presently, the property is improved with a two story stone and brick building. Dr. Toth will acquire the site and convert same for use for his dental practice. Special hearing relief is requested to approve this conversion; more particularly the installation of a proposed parking lot in the rear of the property on Butler Road and a driveway to same. As shown on the site plan, a curb cut will be created to permit access and the driveway will be as narrow as 11 ft. As shown on the plan, there will be 12 parking spaces provided.

Variance relief is requested to approve the driveway parking layout and special hearing relief is sought in view of the fact that the property is located in a Baltimore County Historic District. Originally, a Zoning Advisory Plan Committee comment (ZAC) was received from the Office of Planning dated August 24, 1998. That comment raised certain procedural issues regarding the filing of the Petitions and suggested that relief be given either by way of a finding that the proposed addition and parking lot satisfies the intent of the requirements set out in Section 26-278 of the Baltimore County Code or that a waiver is justified from that section pursuant to Section 26-172(a)(1) or (2) of the Code. That comment also indicated that the Landmarks Preservation Commission did not have an opportunity to comment on this project during their August 13, 1998 meeting.

A second ZAC comment was received from the Office of Planning dated September 11, 1998. That comment raises the same procedural issues but also indicated that the Landmarks Preservation Commission had reviewed this request on September 10, 1998. However, the LPC did not make a

recommendation on this proposal because no input had been received from Historic Glyndon, Inc.

At the hearing, Dr. Toth presented additional information on this issue. A letter was received from Historic Glyndon, Inc. expressing tentative approval of the Petitioner's plans. Additionally, a letter from the Glyndon Community Association was offered at the hearing indicating support of the request.

Based upon the testimony and evidence offered, I am persuaded to grant the Petitions. In this case, I find that the proposal complies with the spirit and intent of the "must be preserved" requirement of Section 26-278 of the Code. It appears that the Petitioner's plans will not ultimately detract the historic significance of this structure and property. Variance relief is also warranted. The narrowness of the lot justifies a grant of the variance. I find that the subject property is unique, that a practical difficulty would be sustained if strict compliance to the regulations were required and that there will be no adverse impact on an adjacent properties.

In granting the relief, however, I will condition same. Specifically, a comment was received from The State Highway Administration regarding the proposed curb cut and access to the property. The Petitioner shall comply with the requirements of the State Highway Administration in this regard. Subsequent to the hearing, communication from Dr. Toth indicated that he had, in fact, communicated with the State Highway Administration and resolved that issue. Nonetheless, this Order shall reflect that compliance is required.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

ORDER RECEIVED FOR FILING
Date 10/20/98
By [Signature]

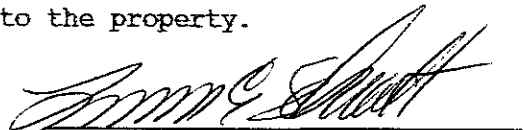
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of October 1998 that, pursuant to the Petition for Special Hearing, the Petitioner's plans are consistent with the spirit and intent of the requirements of Sections 26-203(c)(8) and 26-278 of the Baltimore County Code and that, as such, the Petition shall be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 229.6 and 409.4.A of the BCZR to permit setbacks (for parking lot and drive aisle) of as close as 0 ft. from a residentially zoned property and 5 ft. from a non-residentially zoned property, in lieu of the required 20 ft. and 10 ft., respectively, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a 2 way drive aisle of 11 ft., in lieu of the required 20 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall comply with the requirements of the State Highway Administration's comment received from The State Highway Administration regarding the proposed curb cut and access to the property.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 19, 1998

Larry Hammond, Esquire
465 Main Street
Reisterstown, Maryland 21136

RE: Petitions for Special Hearing and Variance
Case No. 99-51-SPHA
Property: 4817 Butler Road, Glyndon
Cherry Croft, Inc.,/Jay C. Toth, DDS, Petitioners

Dear Mr. Hammond:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Jay C. Toth, DDS
12608 Waterspeck Court
Owings Mills, Maryland 21117
c: Mr. John F. Owings, Jr., President
Cherry Croft, Inc.
P.O. Box 295
Owings Mills, Maryland 21117



H.O.

Legal Owner
is Inc., but has
no attorney - See
note in file

Sophia
8/10/98

99-51-SPHA



Petition for Special Hearing

to the ⁵¹~~Zoning~~ Commissioner of Baltimore County

for the property located at 4817 Butler Road, Glyndon
which is presently zoned CB

This Petition shall be filed with the Department of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of sections 26-203 (C)(8) and Section 26-278

To add parking to the rear of the lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

X Cherry Croft, Inc.

(Type or Print Name)

X John F. Owings Jr., President

Signature

John F. Owings, Jr.

(Type or Print Name)

John F. Owings Jr.

Signature

X P.O. Box 295 (410) 833-1187

Address

Phone No.

Owings Mills, MD 21117

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

X

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1 HR

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

JLL

DATE

7/30/98



Revised 9/5/95

ASAP!

99-51-SPHA



Petition for Variance

ORIGINAL KEEP IN FILE
WITH ATTACHMENTS

to the Zoning Commissioner of Baltimore County

for the property located at 4817 Butler Road, Glyndon
which is presently zoned CB

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

JW

See Attached JW

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached JW

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Jay C. Toth DDS
(Type or Print Name)

Jay C. Toth
Signature

12008 Watersport Ct
Address

Owings Mills MD 21117
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

X Legal Owner(s):

Cherry Goff, Inc.
(Type or Print Name)

X John F. Owings, Jr. President
Signature

John F. Owings, Jr.
(Type or Print Name)

X _____
Signature

P.O. Box 295 (410) 833 1187
Address Phone No.

Owings Mills, MD 21117
City State Zipcode

Name, Address and phone number of representative to be contacted.

X Larry Hammond
Name
465 Main St. Reisterstown 21136
Address Phone No. 410 833 7546

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL ☒ OTHER _____

REVIEWED BY: JLL DATE 7/30/98



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

ASAP!

99-51-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4817 Butler Road, Glyndon
which is presently zoned CB

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

229.6 D. and 409.4 A. To permit a setback (for parking and drive aisle) of as close as 0 ft. from a Residentially zoned property and a setback of 5 ft. from a Non-residentially zoned property and to permit a 2-way drive aisle of 11 ft. in lieu of the required 20 ft. IN LIEU OF THE REQUIRED 20 FT. AND 10 FT.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 20 FT.

Due to the lack of available parking for patients and staff, I propose to maintain the existing front parking for the higher traffic flow and limit the rear parking to handicapped, staff and front over-flow. In so doing, I will need a single lane adjacent to the existing D.R.2 Zone to enter the rear parking lot since there is no other possible access.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

JAY C. TOOTH DDS
(Type or Print Name)

Jay C. Tooth DDS
Signature

12608 Watersport Ct
Address

Owings Mills MD 21117
City State Zipcode

410 356 8170
Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

X Legal Owner(s):
Cherry Coast, Inc.
(Type or Print Name)

X John F. Owings, Jr. President
Signature

John F. Owings, Jr.
(Type or Print Name)

X Signature

P.O. Box 295 (410) 833 1187
Address Phone No

Owings Mills MD 21117
City State Zipcode

Name, Address and phone number of representative to be contacted.

X Larry Hammond
Name
465 Main St. Reisterstown 21136
Address Phone No. 410 833 7544

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR
unavailable for Hearing

the following dates _____ Next Two Months

ALL ☒ OTHER

REVIEWED BY: JLL DATE 7/30/98



Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

ASAP!

51

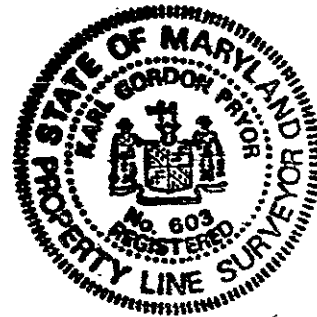
ZONING DESCRIPTION

Beginning at a point on the south side of Butler Road (Md Route # 128) which is fifty feet (50') of right-of-way at the distance of 340' east of the nearest improved intersecting street (Railroad Ave.) which has a variable width right-of-way. Thence the following courses and distances:

- 1) S 23° 11' 23" E 317.10' to a point, thence
- 2) N 60° 47' 16" E 69.50' to a point, thence
- 3) N 23° 42' 40" W 305.20' to a point, thence
- 4) S 70° 47' 56" W 66.50' to the point of beginning

Containing 21,075 square feet or 0.48382 acre of land more or less

Being all of the lands conveyed by Sue A. Owings to Cherry Croft, Inc. a Maryland Corporation by deed dated December 27, 1996 and recorded among the land records of Baltimore County, Maryland in Liber 11983 Folio 283. Said lands also being known as 4817 Bulter Road and located in the 4th Election District.



7/15/08 Karl Gordon Pryor

99-51-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

AND

JL 50

No. 046735

DATE 7/30/98

ACCOUNT 20016150

AMOUNT \$ 500.00

RECEIVED FROM: TOTH.

FOR: 110A1 RES SPHA

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/30/1998 7/30/1998 11:11:25
REG 1006 CASHIER MEL WOL BROWL
5 MISCELLANEOUS CASH RECEIPT
Receipt # 046735
C# NO. 046735

500.00 CHECK # 11
Baltimore County, Maryland

CASHER'S VALIDATION

99-51-SPHA

**NOTICE OF ZONING
HEARINGS**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-51-SPHA
4817 Butler Road,
S/S Butler Road, 340'
E of Railroad Avenue
4th Election District
3rd Councilmanic District
Legal Owner(s):
Cherry Croft, Inc.
Contract Purchaser:
Jay C. Toth, DDS

Special Hearing: to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to add parking to the rear of the lot. **Variance:** to permit a setback (for parking and drive aisle) of as close as zero feet from a residentially zoned property and a setback of 5 feet from a non-residentially zoned property in lieu of the required 20 feet and 10 feet; and to permit a 2-way drive aisle of 11 feet in lieu of the required 20 feet.

Hearing: Friday, September 11, 1998 at 10:00 a.m., in Room 106, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

8/395 Aug 27 c253934

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/27/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/27/, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

99-51-SPHA
BUTLER, RD.
FR- 9/11/98

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: _____

Petitioner: Cherry Croft, Inc

Address or Location: 4817 Butler Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jay C. Toth

Address: 12608 Waterspout Ct

Owings Mills, MD 21117

Telephone Number: (410) 356 8170

Revised 2/20/98 - SCJ

99.51-SPHA

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-51-SPHA

A PUBLIC HEARING WILL BE HELD BY
 THE ZONING COMMISSIONER
 IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO APPROVE A WAIVER PURSUANT TO SECTIONS 26-171, 26-172 (b),
BCC OF SECTIONS 26-203 (c) (8) AND SECTION 26-278, TO ADD PARKING TO THE REAR OF THE LOT.
VARIANCES TO PERMIT PARKING AND DRIVEWAY SETBACKS OF AS CLOSE AS 0 FT. FROM A
RESIDENTIALLY ZONED PROPERTY AND 5 FT. FROM A NON-RESIDENTIALLY ZONED PROPERTY AND TO
PERMIT A 2WAY DRIVE AISLE OF 11 FT. WIDE IN LIEU OF 20 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
 TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 10, 1998


NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-51-SPHA
4817 Butler Road
S/S Butler Road, 340' E of Railroad Avenue
4th Election District - 3rd Councilmanic District
Legal Owner: Cherry Croft, Inc.
Contract Purchaser: Jay C. Toth, DDS

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to add parking to the rear of the lot. Variance to permit a setback (for parking and drive aisle) of as close as zero feet from a residentially zoned property and a setback of 5 feet from a non-residentially zoned property in lieu of the required 20 feet and 10 feet; and to permit a 2-way drive aisle of 11 feet in lieu of the required 20 feet.

HEARING: Friday, September 11, 1998 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue


Arnold Jablon
Director

c: Cherry Croft, Inc.
Jay C. Toth, DDS
Larry Hammond

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 27, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
August 27, 1998 Issue - Jeffersonian

Please forward billing to:

Jay C. Toth 410-356-8170
12608 Waterspout Court
Owings Mills, MD 21117


NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-51-SPHA
4817 Butler Road
S/S Butler Road, 340' E of Railroad Avenue
4th Election District - 3rd Councilmanic District
Legal Owner: Cherry Croft, Inc.
Contract Purchaser: Jay C. Toth, DDS

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to add parking to the rear of the lot. Variance to permit a setback (for parking and drive aisle) of as close as zero feet from a residentially zoned property and a setback of 5 feet from a non-residentially zoned property in lieu of the required 20 feet and 10 feet; and to permit a 2-way drive aisle of 11 feet in lieu of the required 20 feet.

HEARING: Friday, September 11, 1998 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 10, 1998

Mr. Larry Hammond
465 Main Street
Reisterstown, MD 21136

RE: Item No.: 51
Case No.: 99-51-SPHA
Location: 4817 Butler Road

Dear Mr. Hammond:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 30, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, Dept. of
Permits and Development Management

DATE: August 24, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

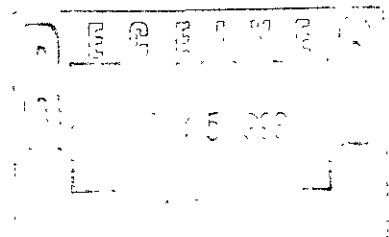
SUBJECT: 4817 Butler Road

INFORMATION

Item Number: 51
Petitioner: Jay Toth
Zoning: CB
Requested Action: Special Hearing
Hearing Date: Thursday, September 11, 1998, 10:00 a.m.

COMMENTS ON PROCEDURE - One of the two petitions requests a Special Hearing "to approve a waiver pursuant to Sections 26-171, 26-172 (b), BCC of Sections 26-203 (c)(8) and 26-278...." The first reference is incorrectly stated and the second two are inappropriate.

1. Section 26-171 lists the situations in which a proposed development qualifies for a complete exemption from the requirements in Division 2. A waiver might be granted (pursuant to the authority in Section 26-172) in conjunction with a finding of eligibility under Section 26-171, but a waiver could not be granted "pursuant to" the latter section.
2. Subsection 26-172 (b) only authorizes waivers from the requirement that a development plan be submitted and be subject to approval through a Hearing Officer's hearing. It does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Subsection 26-172 (a). If the proposed construction must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making the granting of a waiver under subsection 26-172 (b) unnecessary.
3. Subsection 26-203 (c)(8) is merely a requirement that, if the property is on one of the referenced lists, that information must be labeled on the development plan. If this particular property is processed through a limited exemption (instead of the 26-172 (b) waiver), the matter is moot. Even if a development plan is somehow required, this waiver



MEMO TO: Arnold Jablon
SUBJECT: 4817 Butler Rd.
DATE: August 24, 1998
Page Two

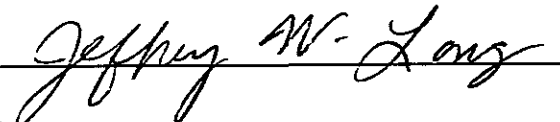
would be ineffectual because it merely deletes the information requirement; the waiver cannot change the fact that the property is on the list, which is the circumstance that would cause the need for compliance with Section 26-278.

RECOMMENDATIONS ON PROCEDURE - The Petition should be amended, at no prejudice or further cost of delay to the petitioner, (a) to request a finding that the development qualifies for a limited exemption (Sec.26-171) and (b) to achieve one of two alternatives, either:

1. A ruling that, on its merits, the proposed construction of the addition does comply with intent of the "must be preserved" requirement in Section 26-278; or
2. Approval of a waiver from compliance with Section 26-278 if justified by the findings required to be made pursuant to subsection 26-172 (a) (1) or (2).

RECOMMENDATIONS ON THE DEVELOPMENT - The Landmarks Preservation Commission did not have an opportunity to comment on this project at their August 13, 1998 meeting due to time constraints. Their comments, if any, provided on September 10, 1998 will be forwarded to the Hearing Officer prior to the special hearing at 10:00 a.m. on September 11, 1998.

Section Chief:



AFK/JL/KA/jw

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 18, 1998

FROM: *fw* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 17, 1998
Item Nos. 044, 045, 046, 047, 048,
049, 050, (051) 052, 053, 054

Revised Plats for Reclassification
Case #CR-98-367-A
(7218 Windsor Mill Road)

Revised Petition; Environmental
Impact Statement, Description, and
Plats for Reclassification
Case #R-97-465
(1856 Reisterstown Road)

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0717.NOC



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

AUG. 12, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 10, 1998.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

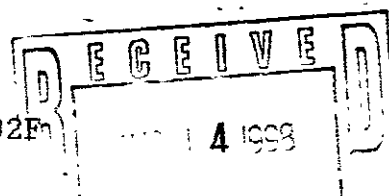
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 044, 045, 046,
047, 048, 049, 050, 051 AND 053.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

August 12, 1998

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 051 (JLL)
Special Hearing
4817 Butler Road.

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval of the waiver request.

However, we cannot allow access to the property utilizing the existing uncontrolled entrance configuration.

We will require the owner to obtain an access permit and as a minimum require the following roadway improvements:

- construction of sidewalk, curb and gutter from property corner to property corner.
- a 25' wide standard depressed concrete entrance.
- any parking configuration, adjacent to the roadway, which would require vehicles to "back out on to the highway" will be prohibited.

My telephone number is _____

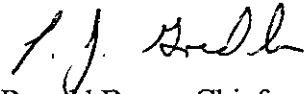
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Gwen Stephens
RE: Butler Road

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

LG

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley - ADS/JP
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 8/10/97

DATE: 8/13/97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

~~44~~
44
47
48
50
(51)
52
54

RBS:sp

BRUCE2/DEPRM/TXTSBP

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
4817 Butler Road, S/S Butler Rd, 340' E of Railroad
Ave, 4th Election District, 3rd Councilmanic

Legal Owners: Cherry Croft, Inc.
Contract Purchaser: Jay C. Toth, D.D.S.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-51-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Larry Hammond, 465 Main Street, Reisterstown, MD 21136, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

51

To whom it concerns

Please set the Hearing
at the Soonest possible date.
My current lease expires
the end of Nov and there
are exceptional internal
renovations required.

Your attention is appreciated

Jay C. Totm

JAY C. Totm

99-51-SPHA

51

July 30, 1998

To whom it Concerns:

I Jay C. Tofts, the "Contract Purchaser" understand my responsibility to have an attorney present at the Hearing and have chosen to move ahead without Attorney representation for Cherry Craft, Inc.

Jay C. Tofts

99-51-SPHA

Glyndon Community Association
4611 Butler Road
Glyndon, Maryland 21071
(410) 833-3771

Copy

September 10, 1998

Dr. Jay Toth
12608 Waterspeck Court
Owings Mills, Maryland 21117

Dear Dr. Toth,

I am very pleased to inform you that the Glyndon Community Association's Board of Directors voted unanimously to support your request for a variance to permit driveway access to the rear of the old Glyndon Bank building at 4817 Butler Road as indicated on the attached plat. We feel that your plan to move your dentistry practice to this location is an excellent re-use of the building which will benefit both the residential and business communities in Glyndon.

Our support of your request is contingent upon the following provisions:

- 1) that you record an agreement with Baltimore County not to alter the front or side exteriors of the building without prior approval of the Glyndon Community Association;
- 2) that the parking not be expanded beyond the planned 12 spaces without discussion with the Glyndon Community Association;
- 3) and that a landscaping screen acceptable to both you and the MacLellans be provided along the east property line.

We are pleased and excited that you have chosen to relocate your practice to Glyndon and wish you the best of luck. Please let me know if we can be of any further assistance.

Sincerely,

Mary Ellen Porter

Mary Ellen Porter
President

cc: Marianne and Andy MacLellan

Historic Glyndon Incorporated
Glyndon, Maryland 21071

Copy
rec'd 8/18/98

Dr. Jay Toth, DDS
6 Hanover Rd
Reisterstown, MD 21136

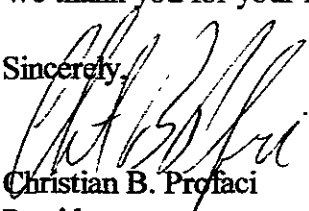
Dear Dr. Toth,

The Board recently met to review your plans for the "Bank Building" on Butler Road in Glyndon. It is our understanding that your request includes the addition of a side driveway to access a rear parking lot of seven (7) spaces for staff and handicap parking. In addition, you anticipate no changes to the front facade, but will add a small "lobby" and handicap ramp at the back of the facility.

We offer tentative approval of your plans for the modifications of the facility. However, our decision is based upon a site plan only of the modifications, and no plans for the small lobby at the rear of the facility were available for review.

We thank you for your interest and desire to preserve the historic value of our community.

Sincerely,



Christian B. Profaci
President

R.C. 5

D.R. 2

LAUGH

GLYNDON
N.R.H.D.

B.C.H.D.

R.C. 5

PRIVATE

ROAD

D.R. 2

BUTLER

Glyndon
Bank

CB

CB

RAILROAD

R. P.

ML

CHATELAIN

POOL

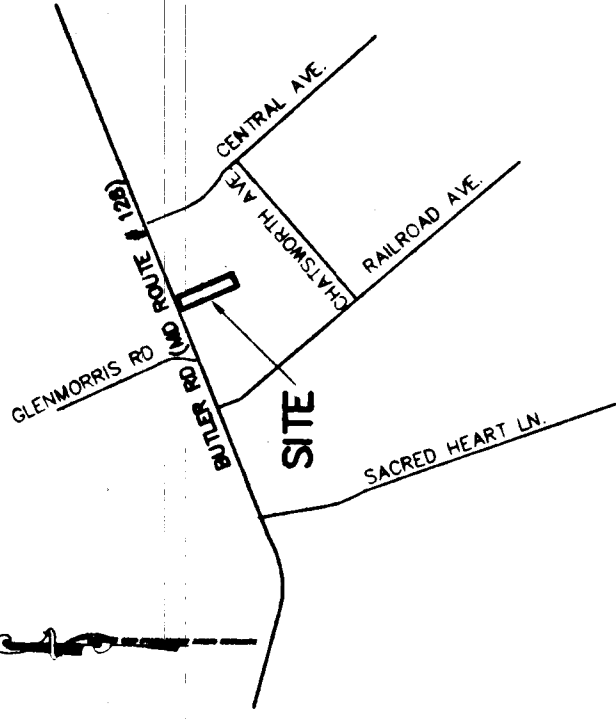
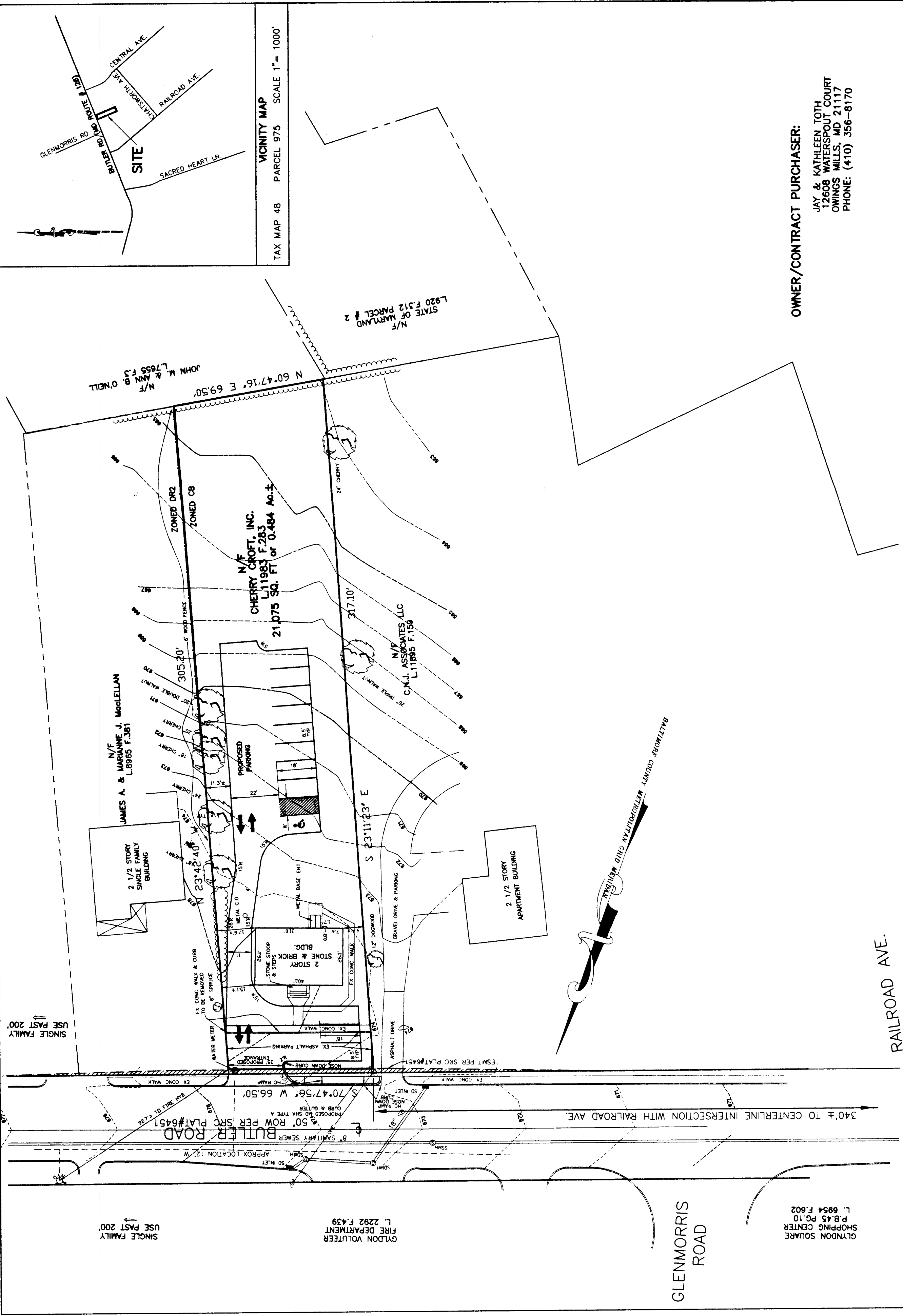
99-51-SPHA

D.R. 2

AVE.

AVE.

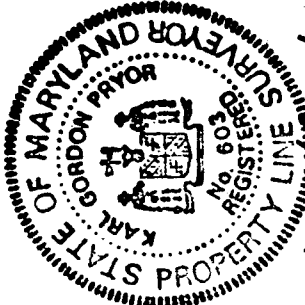
AVE.



TAX MAP 48 PARCEL 975 SCALE 1" = 1000'

OWNER/CONTRACT PURCHASER:
JAY & KATHLEEN TOTH
12608 WATERSPOUT COURT
OWINGS MILLS, MD 21117
PHONE: (410) 356-8170

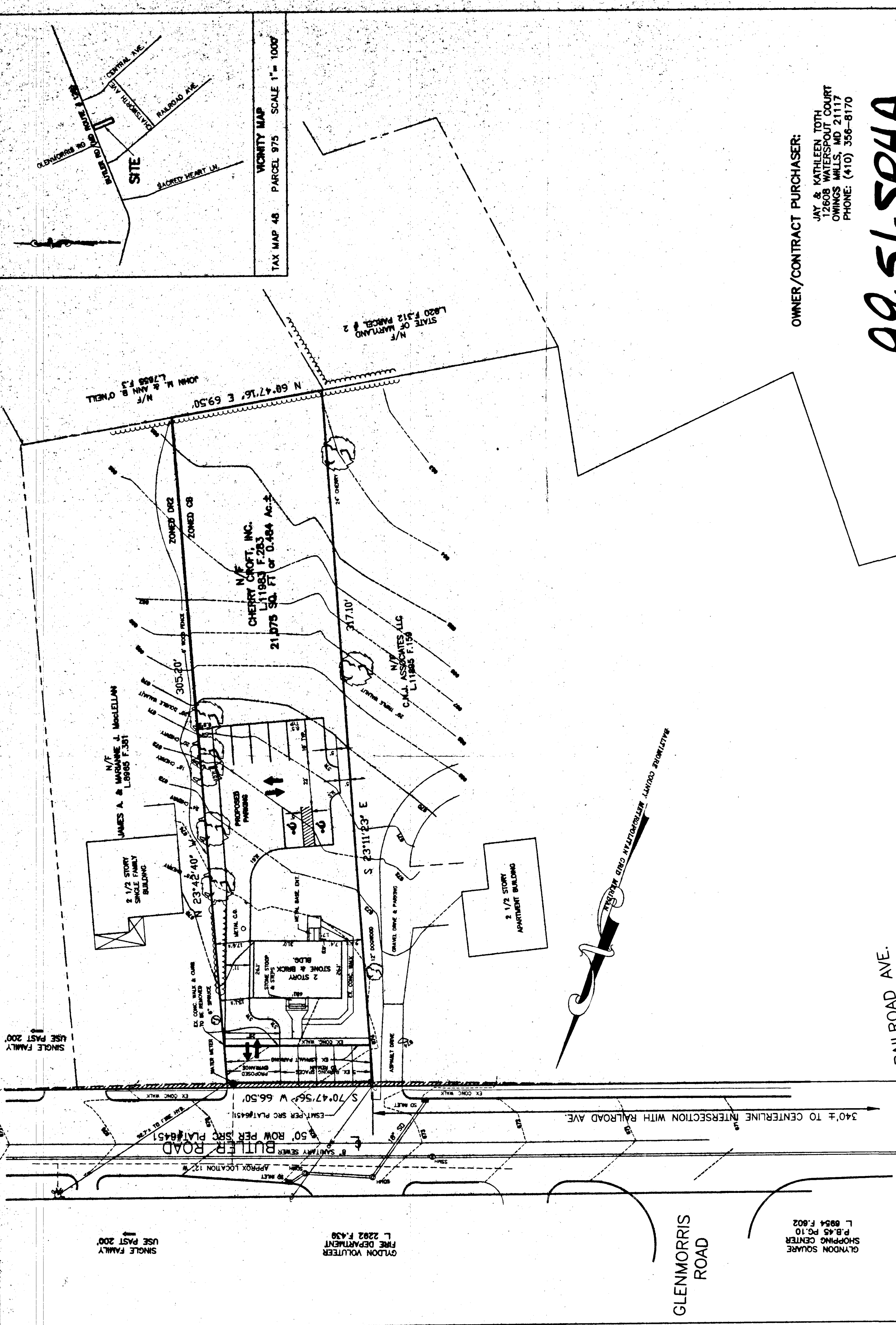
PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE AND SPECIAL HEARING
GLYNDON BANK PROPERTY
SITUATE AT 4817 BUTLER ROAD
COUNCIL DISTRICT No. 3
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE 1" = 30' JULY, 1998
CATOCTIN MOUNTAIN SURVEYS
9423 HORNETS NEST ROAD
BALTIMORE, MD 21217
(301) 412-3144 FAX: (301) 447-2444
E-MAIL: MURPHY@AOL.COM



Handwritten signature and date: 8/24/98

- NOTES:**
1. SITE IS ZONED CB COMMUNITY BUSINESS.
 2. SITE IS IN THE BALTIMORE COUNTY HISTORIC DISTRICT.
 3. PREVIOUS COMMERCIAL BANK BUILDING.
 4. PLUMBING PERMIT REQUIRED.
 5. VERTICAL DATUM IS ASSUMED; TOPOGRAPHY IS FIELD RUN.
 6. PARKING CALCULATIONS (MEDICAL OFFICE)
4.5 SPACES PER 1000 SQ. FT. GROSS OFFICE SPACE
104 SQ. FT. GROSS OFFICE SPACE
11 SPACES REQUIRED
2 EXISTING SPACES IN FRONT TO REMAIN
FLOOR AREA RATIO
1047/21,075 = 0.050
 7. TOTAL DISTURBED AREA = 4970 SQ. FT.
 8. PREVIOUS USE COMMERCIAL BANK BUILDING.
 9. EXISTING PARKING IN FRONT OF LOT REDESIGNED & STRIPPED PER SHA COMMENTS.
 10. SPACES PROPOSED OVER REQUIRED 5 SPACES SHALL BE DESIGNATED BY SIGNAGE FOR STAFF ONLY.

SYMBOLS:	DATE	REVISIONS



GLYNDON SQUARE
SHOPPING CENTER
P.B. 45 PG. 10
L. 8954 F. 802

GLENMORRIS
ROAD

RAILROAD AVE.

OWNER/CONTRACT PURCHASER:
JAY & KATHLEEN TOTH
12608 WATERSPOUT COURT
OWINGS MILLS, MD 21117
PHONE: (410) 356-8170

99.51-SPHA

- NOTES:
1. SITE IS ZONED CB COMMUNITY BUSINESS.
 2. SITE IS IN THE BALTIMORE COUNTY HISTORIC DISTRICT.
 3. PREVIOUS COMMERCIAL PERMITS.
PERMIT NO. DESCRIPTION
P350710 PLUMBING PERMIT
 4. VERTICAL DATUM IS ASSUMED; TOPOGRAPHY IS FIELD RUN.
 5. PARKING CALCULATIONS (MEDICAL OFFICE)
4.5 SPACES PER 1000 SQ. FT. GROSS OFFICE SPACE
1047 SQ. FT. GROSS OFFICE SPACE
4.7 SPACES REQUIRED
6 SPACES & 2 HANDICAP SPACES PROPOSED
 6. FLOOR AREA RATIO
1047/21,075 = 0.050
 7. TOTAL DISTURBED AREA = 4189 SQ. FT.
 8. PREVIOUS USE "COMMERCIAL BANK"

SYMBOLS	DATE	REVISIONS
51		

STATE OF MARYLAND
BALTIMORE COUNTY
PROPERTY LINE
1/24/98
Nad. Station Map

PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE AND SPECIAL HEARING
GLYNDON BANK PROPERTY
SITUATE AT 4817 BUTLER ROAD
COUNCIL DISTRICT No. 3
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE 1" = 30' JULY, 1998
CATCOTIN MOUNTAIN SURVEYS
9423 HORNETS NEST ROAD
EMMERSBURG, MD 21727
(301) 447-3344 FAX (301) 447-2444
E-MAIL: NAPT@CATCOTIN.COM

